

1-1 By: Holland, et al. (Senate Sponsor - Hall) H.B. No. 2622
 1-2 (In the Senate - Received from the House May 3, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2021, reported favorably by the following vote:
 1-5 Yeas 6, Nays 2; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14		X		
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the enforcement of certain federal laws regulating
 1-20 firearms, firearm accessories, and firearm ammunition within the
 1-21 State of Texas.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. This Act may be cited as the Second Amendment
 1-24 Sanctuary State Act.

1-25 SECTION 2. Chapter 1, Penal Code, is amended by adding
 1-26 Section 1.10 to read as follows:

1-27 Sec. 1.10. ENFORCEMENT OF CERTAIN FEDERAL LAWS REGULATING
 1-28 FIREARMS, FIREARM ACCESSORIES, AND FIREARM AMMUNITION. (a) In
 1-29 this section:

1-30 (1) "Ammunition" has the meaning assigned by Section
 1-31 229.001, Local Government Code.

1-32 (2) "Firearm" has the meaning assigned by Section
 1-33 46.01.

1-34 (3) "Firearm accessory" means an item that is used in
 1-35 conjunction with or mounted on a firearm but is not essential to the
 1-36 basic function of the firearm. The term includes a detachable
 1-37 firearm magazine.

1-38 (4) "State funds" means money appropriated by the
 1-39 legislature or money under the control or direction of a state
 1-40 agency.

1-41 (b) Notwithstanding any other law, an agency of this state,
 1-42 a political subdivision of this state, or a law enforcement officer
 1-43 or other person employed by an agency of this state or a political
 1-44 subdivision of this state may not contract with or in any other
 1-45 manner provide assistance to a federal agency or official with
 1-46 respect to the enforcement of a federal statute, order, rule, or
 1-47 regulation that:

1-48 (1) imposes a prohibition, restriction, or other
 1-49 regulation that does not exist under the laws of this state; and

1-50 (2) relates to:

1-51 (A) a registry requirement for a firearm, a
 1-52 firearm accessory, or ammunition;

1-53 (B) a requirement that an owner of a firearm, a
 1-54 firearm accessory, or ammunition possess a license as a condition
 1-55 of owning, possessing, or carrying the firearm, firearm accessory,
 1-56 or ammunition;

1-57 (C) a requirement that a background check be
 1-58 conducted for the private sale or transfer of a firearm, a firearm
 1-59 accessory, or ammunition;

1-60 (D) a program for confiscating a firearm, a
 1-61 firearm accessory, or ammunition from a person who is not otherwise

2-1 prohibited by the laws of this state from possessing the firearm,
2-2 firearm accessory, or ammunition; or

2-3 (E) a program that requires an owner of a
2-4 firearm, a firearm accessory, or ammunition to sell the firearm,
2-5 firearm accessory, or ammunition.

2-6 (c) Subsection (b) does not apply to a contract or agreement
2-7 to provide assistance in the enforcement of a federal statute,
2-8 order, rule, or regulation in effect on January 19, 2021.

2-9 (d) A political subdivision of this state may not receive
2-10 state funds if the political subdivision enters into a contract or
2-11 adopts a rule, order, ordinance, or policy under which the
2-12 political subdivision requires or assists with the enforcement of
2-13 any federal statute, order, rule, or regulation described by
2-14 Subsection (b) or, by consistent actions, requires or assists with
2-15 the enforcement of any federal statute, order, rule, or regulation
2-16 described by Subsection (b). State funds for the political
2-17 subdivision shall be denied for the fiscal year following the year
2-18 in which a final judicial determination in an action brought under
2-19 this section is made that the political subdivision has required or
2-20 assisted with the enforcement of any federal statute, order, rule,
2-21 or regulation described by Subsection (b).

2-22 (e) Any individual residing in the jurisdiction of a
2-23 political subdivision of this state may file a complaint with the
2-24 attorney general if the individual offers evidence to support an
2-25 allegation that the political subdivision has entered into a
2-26 contract or adopted a rule, order, ordinance, or policy under which
2-27 the political subdivision requires or assists with the enforcement
2-28 of any federal statute, order, rule, or regulation described by
2-29 Subsection (b) or evidence to support an allegation that the
2-30 political subdivision, by consistent actions, requires or assists
2-31 with the enforcement of any federal statute, order, rule, or
2-32 regulation described by Subsection (b). The individual must
2-33 include with the complaint the evidence the individual has that
2-34 supports the complaint.

2-35 (f) If the attorney general determines that a complaint
2-36 filed under Subsection (e) against a political subdivision of this
2-37 state is valid, the attorney general may file a petition for a writ
2-38 of mandamus or apply for other appropriate equitable relief in a
2-39 district court in Travis County or in a county in which the
2-40 principal office of the political subdivision is located to compel
2-41 the political subdivision to comply with Subsection (b). The
2-42 attorney general may recover reasonable expenses incurred in
2-43 obtaining relief under this subsection, including court costs,
2-44 reasonable attorney's fees, investigative costs, witness fees, and
2-45 deposition costs.

2-46 (g) An appeal of a suit brought under Subsection (f) is
2-47 governed by the procedures for accelerated appeals in civil cases
2-48 under the Texas Rules of Appellate Procedure. The appellate court
2-49 shall render its final order or judgment with the least possible
2-50 delay.

2-51 (h) The attorney general shall defend any agency of this
2-52 state in a suit brought against the agency by the federal government
2-53 for an action or omission consistent with the requirements of this
2-54 section.

2-55 SECTION 3. This Act takes effect immediately if it receives
2-56 a vote of two-thirds of all the members elected to each house, as
2-57 provided by Section 39, Article III, Texas Constitution. If this
2-58 Act does not receive the vote necessary for immediate effect, this
2-59 Act takes effect September 1, 2021.

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